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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R. S .A. No. 2190 of 2006
Date of decision: 19.11.2007

Smt. Sukhpal Kaur and others **...Appellants**

Versus

Smt. Kashmir Kaur and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Inderjit Singh Brar, Advocate for the appellants.

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RAJESH BINDAL, J.

The defendants are in appeal before this Court against the concurrent findings of fact by both the Courts below whereby suit filed by mother of respondents for declaration to the effect that plaintiff is owner to the extent of 1/4th share out of ½ share of total land measuring 218 kanals 9 marlas, Kittas 30, Khewat No. 442, Khatauni No. 613 as per Jamabandi for the year 1991-92 situated in village Farwain, Teshil and District Sirsa as legal heir of deceased Sarav Inderjit Singh and mutation No. 2553 entered on February 20, 1994 vide rapat No.223 is null and void.

The deceased mother of respondents/plaintiff, Harbans Kaur, was real mother of deceased Sarav Inderjit Singh, who died on April 15, 1993 leaving behind the parties to the suit as natural heirs. It is alleged that after the death of Sarav Inderjit Singh, defendants in collusion with the revenue authorities got the mutation sanctioned in their favour ignoring the plaintiff. As the mother of deceased was a natural legal heir in terms of Schedule I to the Hindu Succession Act, 1956 she had right of inheritance in the property to the extent of her share. The necessity to file the suit arose for the reason that after the death of Sarav Inderjit Singh, his widow left the house and took away all her articles. In the evidence, the pedigree-table of the family was proved and the plea set up by the appellants/defendants to the effect that she was step mother could not be proved. Once it was proved that Harbans Kaur was mother of deceased Sarav Inderjit Singh, she was

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held entitled to her share in the estate of the deceased and the suit to that effect was decreed by the learned Courts below while holding the mutation sanctioned in favour of the appellants to be illegal and further a direction was given to the appellants to hand over the possession of land to the extent of her share. Even the Lower Appellate Court also did not find any weight in the evidence led by the appellants to dislodge the claim made by deceased mother of respondents/plaintiff to the effect that she was the real mother of Sarav Inderjit Singh. Deceased Harbans Kaur was mother of Sarav Inderjit Singh is not even disputed by the appellants. All what has been stated by them is that she was his step mother. Only with a view to deprive right of share in the property of her deceased son. Even before this Court also, learned counsel for the appellants has not been able to point out any evidence on record, which could lead to the conclusion that findings recorded by learned Courts below are perverse in any manner.

Accordingly, I do not find any substantial question of law arises in this appeal and the same is dismissed.

November 19, 2007 **(Rajesh Bindal)**
Pka **Judge**